

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 2:08-CR-353-RLH (RJJ)
)
PEDRO JOSE GARCIA,)
)
 Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on June 7, 2010, defendant PEDRO JOSE GARCIA was found guilty on Counts One and Two of a Two-Count Superseding Criminal Indictment charging him in Count One with Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1); and in Count Two with Simple Possession of a Controlled Substance, in violation of Title 21, United States Code, Section 844.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Superseding Criminal Indictment and the offense to which defendant PEDRO JOSE GARCIA pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 25 a) a .380 caliber Cobra Patriot handgun, serial number 00802; and
- 26 b) any and all ammunition.

1 This Court finds the United States of America is now entitled to, and should, reduce the
2 aforementioned property to the possession of the United States of America.

3 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
4 United States of America should seize the aforementioned property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
6 PEDRO JOSE GARCIA in the aforementioned property is forfeited and is vested in the United States
7 of America and shall be safely held by the United States of America until further order of the Court.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
9 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
10 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
11 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
12 the name and contact information for the government attorney to be served with the petition, pursuant
13 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
15 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
17 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
18 following address at the time of filing:

19 Daniel D. Hollingsworth
20 Assistant United States Attorney
21 Michael A. Humphreys
22 Assistant United States Attorney
23 Lloyd D. George United States Courthouse
24 333 Las Vegas Boulevard South, Suite 5000
25 Las Vegas, Nevada 89101.
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 assets.

5 DATED this 15th day of June, 2010.

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9 UNITED STATES/DISTRICT JUDGE
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PROOF OF SERVICE

I, Alexandra M. McWhorter, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on June 14, 2010 by the below identified method of service:

E-mail/ECF

Monique N. Kirtley
Federal Public Defender
411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101
Email: ECF_Vegas@fd.org
Counsel for Pedro Jose Garcia

/s/AlexandraMMcWhorter
ALEXANDRA M. MCWHORTER
Forfeiture Support Associate Paralegal